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Attorneys for Defendant
INDUSTRIAL STRENGTH CORPORATION

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

NEOMETAL WA, INC., a Washington
corporation,

Plaintiff,

v.

INDUSTRIAL STRENGTH CORPORATION, a
California corporation,

Defendant.

Case No. C08-05009 RBL

**STIPULATION AND ORDER FOR
ENTRY OF FINAL JUDGMENT,
PERMANENT INJUNCTION AND
DISMISSAL WITH PREJUDICE**

WHEREAS, Plaintiffs Neometal WA, Inc. ("Neometal") commenced this Civil Action in the United States District Court for the Western District of Washington (hereafter the "Litigation") in which Plaintiff alleged that Defendant Industrial Strength Corporation ("Industrial Strength") infringed U.S. Patent Nos. 6,167,725 and 6,470,709 (hereafter the "Patents in Suit");

1 WHEREAS, Industrial Strength has made, used, sold, and/or offered to sell Threadless
2 Jewelry product and/or components, including but not limited to Titanium Push-Pin Prong-set
3 Faceted Gems that fit Threadless Jewelry, code TPPPR (the “Infringing Threadless Jewelry”);

4 WHEREAS, Neometal contends that Industrial Strength’s manufacture, use, sale, offer
5 for sale, and distribution in connection with the Infringing Threadless Jewelry infringes one or
6 more claims of the Patents in Suit;

7 WHEREAS, Neometal and Industrial Strength have entered into a Settlement Agreement
8 to amicably resolve the Litigation, including provisions for entry of a Final Judgment, Permanent
9 Injunction, and Order of Dismissal With Prejudice;

10 NOW, THEREFORE, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
11 Procedure and the terms and conditions set forth in the Settlement Agreement and with the
12 consent of the parties through their undersigned attorneys,

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

14 1. This Court has jurisdiction over the parties and the subject matter of this action.
15 Venue also properly lies in this district.

16 2. Industrial Strength, its individual principals, officers, directors, employees,
17 shareholders, representatives, successors, assignees, or any affiliated entities, and all persons and
18 entities in active concert or participation with Industrial Strength who receive actual notice
19 hereof, are hereby permanently enjoined during the term of the Patents in Suit from making,
20 using, selling, offering to sell, importing, distributing, marketing or promoting, (or assisting,
21 aiding, or abetting any other person or entity engaged in or performing any of these activities),
22 the Infringing Threadless Jewelry.

23 3. The Litigation is dismissed with prejudice, with each party to bear its own costs
24 and attorneys’ fees.

25 4. This Court shall retain jurisdiction over this matter with respect to disputes
26 concerning the interpretation and/or enforcement of the Settlement Agreement and this Final
27 Judgment, Injunction and Dismissal with Prejudice.

1 The parties by the signatures below of their authorized representatives agree to the form,
2 terms, and entry of the above Final Judgment, Injunction and Dismissal with Prejudice.

3 DATED: January 31, 2010

4 s/Theodore J. Bielen, Jr.

5 THEODORE J. BIELEN, JR. (Pro Hac Vice)
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Attorneys for Defendant
INDUSTRIAL STRENGTH CORPORATION

10 DATED: February 25, 2010

11 s/Igor Shoiket

12 IGOR SHOIKET (Pro Hac Vice)
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Attorneys for Plaintiff
NEOMETAL WA, INC.

17 I attest under penalty of perjury that concurrence in the filing of this document has been
18 obtained from Defendant's counsel, Theodore J. Bielen, Jr.

19 s/Igor Shoiket

20 IGOR SHOIKET (Pro Hac Vice)
21 DERGOSITS & NOAH, LLP

Attorneys for Plaintiff
NEOMETAL WA, INC.

22
23 IT IS SO ORDERED.

24 DATED this 2nd of March, 2010.

25 
26 RONALD B. LEIGHTON

27 UNITED STATES DISTRICT JUDGE

28 STIPULATION AND [PROPOSED] ORDER FOR ENTRY OF
FINAL JUDGMENT, PERMANENT INJUNCTION AND DISMISSAL
WITH PREJUDICE - 3

Case No. C08-05009 RBL

1 Presented by:

2 s/Igor Shoiket

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7 NEOMETAL WA, INC.

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